

## **EXHIBIT E**

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF MASSACHUSETTS

3 JOHN J. VAUGHN, GERALD A. )  
4 KALBFLEISCH, and MICHAEL and )  
5 MYRTLE HATHAWAY, )  
6 Plaintiffs, )  
7 vs. ) Civil Action  
8 ) No. 04-10988-GAO  
9 PUTNAM INVESTMENT MANAGEMENT, )  
10 LLC, and PUTNAM RETAIL )  
11 MANAGEMENT LIMITED PARTNERSHIP, )  
12 Defendants. )

13 DEPOSITION OF MYRTLE HATHAWAY, produced,  
14 sworn, and examined on FEBRUARY 12, 2007, between  
15 the hours of eight o'clock in the forenoon and  
16 six o'clock in the afternoon of that day, at the  
17 offices of Bryan Cave, LLP, One Metropolitan  
18 Square, 211 North Broadway, Suite 3600, St.  
19 Louis, Missouri 63102 before Tammie A. Heet, a  
20 Registered Professional Reporter, Certified  
21 Shorthand Reporter and Notary Public within and  
22 for the states of Illinois and Missouri, in a  
23 certain cause now pending in the United States  
24 District Court, District of Massachusetts, in re:  
25 JOHN J. VAUGHN, et al. vs. PUTNAM INVESTMENT  
MANAGEMENT, LLC, et al.; on behalf of the  
Defendant Putnam.

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1 them people were -- these people were getting and  
2 we were getting or that, but there was a article  
3 on TV about it and we've seen it in the paper.

4 Q. Okay. So let's take those one at a  
5 time. What did you see in the paper?

6 A. About how Putnam more -- some  
7 people were getting more from Putnam than other  
8 people that had the same stock.

9 Q. And when you say getting more, what  
10 do you mean?

11 A. They're not having to pay as much.  
12 Like they pay so much and then we're paying more  
13 than what they're paying.

14 Q. And do you remember what newspaper  
15 this was?

16 A. No, I don't.

17 Q. Do you remember when it was?

18 A. No, I don't.

19 Q. Do you remember who wrote the  
20 article?

21 A. No, I don't.

22 Q. Where were you when you saw the  
23 article?

24 A. I'm not sure. I don't remember  
25 that either.

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1 and you stop to eat somewhere or something,  
2 you -- and sometimes we will buy a paper and take  
3 home and read it, too.

4 Q. Okay. When you saw this article in  
5 the paper, what, if anything, did you do in  
6 response to it, as a result of it?

7 A. We didn't do anything at the time.

8 Q. Okay. Which did you see first, the  
9 article in the paper or the TV piece?

10 A. I don't remember that.

11 Q. And what program did you see the TV  
12 piece on?

13 A. I don't remember that either.

14 Q. Was it on cable or was it on  
15 regular TV?

16 A. Regular TV.

17 Q. Do you have cable?

18 A. No.

19 Q. Do you have a satellite?

20 A. No.

21 Q. How many stations do you get?

22 A. Probably about seven.

23 Q. Do you remember what station it was  
24 on?

25 A. No, I don't.

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1 Q. What newspapers do you subscribe  
2 to?

3 A. We just get local papers.

4 Q. Was it in the local paper?

5 A. I don't believe so.

6 Q. So where did you see this paper?

7 A. I don't know. Whenever we travel,  
8 if there's a paper, we'll look at it. And I  
9 don't know.

10 Q. Did you see it when you were on a  
11 travel somewhere?

12 A. It may have been.

13 Q. Now, your husband mentioned a trip  
14 to Pennsylvania last summer.

15 A. Right.

16 Q. What other trips have you taken in  
17 the last three or four years?

18 A. I can't recall taking any long  
19 trips.

20 Q. Well, I'm trying to --

21 A. Other than the one to Pennsylvania.

22 Q. When else would you have seen a  
23 paper other than a local paper?

24 A. Well, whenever you go to  
25 different -- you go to a city or something or --

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1 Q. Was it -- was it on a local news  
2 program or was it on 60 Minutes or something like  
3 that?

4 A. I don't remember.

5 Q. Do you remember when it was?

6 A. No, I don't remember that either.

7 Q. Do you know who the reporter was?

8 A. No, I don't.

9 Q. Was it during the day or was it at  
10 night?

11 A. I don't remember that either.

12 Q. Did you do anything in response to  
13 seeing this TV program?

14 A. What do you mean in response?

15 Q. As a result of seeing this piece on  
16 TV that you say you saw, what, if anything, did  
17 you do?

18 A. Nothing.

19 Q. Okay. When -- when did you first  
20 speak to an attorney about anything having to do  
21 with Putnam?

22 A. I'm not sure what year that was, if  
23 it was 2004 or -- I'm not sure what year it was.

24 Q. Now, at -- at your home, do you  
25 have a speakerphone or one phone, or how -- how

7 (Pages 22 to 25)

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1 do you work the phones at your home?  
 2 A. We don't have a speakerphone. We  
 3 have an answering machine.  
 4 Q. You have one line or two lines  
 5 or --  
 6 A. We got two, two lines.  
 7 Q. Same phone number but two -- two  
 8 places you can pick it up?  
 9 A. Uh-huh. Yes.  
 10 Q. So you and your husband can be on  
 11 the phone with somebody at the same time?  
 12 A. Right.  
 13 Q. And at some point there was a  
 14 conversation with an attorney relating to Putnam,  
 15 correct?  
 16 A. Yes.  
 17 Q. And how did that come about?  
 18 A. I think I called one of them.  
 19 Q. Okay. Do you know who it was you  
 20 called?  
 21 A. Can't remember.  
 22 Q. Okay. How -- was it a man or a  
 23 woman?  
 24 A. A man.  
 25 Q. How did you get his name?

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1 A. I don't remember that either.  
 2 Q. How many conversations did you have  
 3 with this person, this lawyer?  
 4 A. I don't remember that either.  
 5 Q. Was it one or more than one?  
 6 A. Oh, it was probably more than one.  
 7 Q. Do you remember more than one?  
 8 A. I don't remember.  
 9 Q. Okay. The first conversation that  
 10 you had, do you remember anything about it?  
 11 MR. GRADY: He's not asking you to  
 12 describe it. He's asking yes or no, whether you  
 13 remember anything about that conversation.  
 14 THE WITNESS: Yes.  
 15 Q. (BY MR. SIMSHAUSER) How long was  
 16 it?  
 17 A. Not too long.  
 18 Q. And do you remember, when you say  
 19 not too long, five minutes, a half hour? Can you  
 20 put a time estimate on it?  
 21 A. Maybe 10, 15 minutes.  
 22 Q. Okay. And without telling me  
 23 anything that you discussed with the attorney, is  
 24 it your recollection that you initiated that  
 25 conversation?

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1 A. I believe I did.  
 2 Q. And to your best recollection, when  
 3 was that?  
 4 A. I don't remember that either.  
 5 Q. Okay. Now, at the -- at the time  
 6 were you unhappy about the performance of your  
 7 Putnam investments?  
 8 A. I hadn't really thought too much  
 9 about it right at the time before.  
 10 Q. When the -- when the account  
 11 statements came in showing how your investments  
 12 were doing, would you look at those?  
 13 A. Yes.  
 14 Q. How often did they come in?  
 15 A. We might get one one month and then  
 16 be two months before we'd get another one.  
 17 Q. Okay. Did you ever call and ask  
 18 for one more frequently?  
 19 A. No.  
 20 Q. Did you know whether that was  
 21 something you could do?  
 22 A. No.  
 23 Q. Now, we've -- we've marked as  
 24 Exhibit 1 an example of an account statement,  
 25 correct?

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1 A. Pardon me?  
 2 Q. Looking at Exhibit 1, is that an  
 3 example of one of your account statements that  
 4 shows your Putnam investments?  
 5 A. Yes.  
 6 Q. And who takes care of keeping those  
 7 at your house? Is that something you do or that  
 8 your husband does?  
 9 A. We both look at them.  
 10 Q. Okay. And then -- and when you're  
 11 done looking at them, where do they go?  
 12 A. I put them in with the other ones.  
 13 Q. Where do you keep them?  
 14 A. In a folder.  
 15 Q. And where do you keep that folder?  
 16 A. In a cabinet like, that we keep all  
 17 of our personal stuff in.  
 18 Q. And between you and your husband,  
 19 who is it that keeps the -- that folder, the one  
 20 relating to these investments, organized? Is  
 21 that something you do or your husband does or  
 22 both of you?  
 23 A. I do.  
 24 Q. You do.  
 25 Now, do you remember receiving

8 (Pages 26 to 29)